

Appl. No. 10/731,171

Attorney Docket: 042390.P17844

**REMARKS**

The above referenced patent application has been reviewed in light of the Office Action, dated November 02, 2005, in which:

- claims 27, 28, 37, 40, 41, 50, and 51 are rejected under 35 U.S.C. § 102(b) on Takagi (US Patent No. 5,371,857);
- claims 1, 2, 14, 15, 31, 33, 44, and 46 are rejected under 35 U.S.C. § 103(a) on Takagi in combination with Narad (US Patent No. 5,560,019);
- claims 3, 10, 16, 23, 36, and 49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Takagi & Narad in combination with Qureshi *et al.* (hereinafter 'Qureshi,' US Patent No. 5,892,956);
- claims 29 and 42 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Takagi in combination with Ohtsuki (US Patent No. 5,101,346);
- and claims 4-9, 11-13, 17-22, 24-26, 30, 32, 34, 35, 38, 39, 43, 45, 47, 48, and 52 are objected to as being dependent upon a rejected base claim.

Reconsideration of the above referenced patent application in view of the foregoing amendments and the following remarks is respectfully requested.

A Petition for Extension of Time in order to extend the period for response 2 month(s), including the appropriate fee, is filed herewith.

Claims 4-9, 11-13, 17-22, 24-26, 30, 32, 34, 35, 38, 39, 43, 45, 47, 48, and 52 are now pending the above referenced patent application. No claims have been added. Claims 1-3, 10, 14-16, 23, 27-29, 31, 33, 36, 37, 40-42, 44, 46, and 49-51 have been cancelled. However,

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Applicants intend to pursue the claims in a continuation application; therefore, the amendment does not result in prosecution history estoppel and does not alter the scope of the claims. Claims 4, 11, 17, 24, 30, 32, 34, 35, 38, 39, 43, 45, 47, 48, and 52 have been amended. However, these amendments merely rewrite dependent claims in independent form; therefore no prosecution history estoppel should result from these amendments. No new matter is entered.

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**1. 35 U.S.C. § 102*****1.1. Takagi: Claims 27, 28, 37, 40, 41, 50, and 51***

The PTO has rejected claims 27, 28, 37, 40, 41, 50, and 51 under 35 U.S.C. § 102(b) as being anticipated by Takagi. Applicants respectfully disagree with the rejection.

However, in the interests of furthering prosecution, Applicants have cancelled the rejected claims, and amended the allowed dependent claims to include the subject matter of the cancelled claims. However, Applicants intend to pursue the cancelled claims in a continuation application; therefore, the amendment does not result in prosecution history estoppel and does not alter the scope of the claims.

Therefore, it is respectfully asserted that the rejection is moot, and respectfully requested that the PTO withdraw the rejections of these claims.

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**2. 35 U.S.C. § 103(a)*****2.1. Takagi and Narad: Claims 1, 2, 14, 15, 31, 33, 44, and 46***

The PTO has also rejected claims 1, 2, 14, 15, 31, 33, 44, and 46 under 35 U.S.C. § 103(a) based upon Takagi in combination with Narad. Applicants respectfully disagree with the rejection.

However, in the interests of furthering prosecution, Applicants have cancelled the rejected claims, and amended the allowed dependent claims to include the subject matter of the cancelled claims. However, Applicants intend to pursue the cancelled claims in a continuation application; therefore, the amendment does not result in prosecution history estoppel and does not alter the scope of the claims.

Therefore, it is respectfully asserted that the rejection is moot, and respectfully requested that the PTO withdraw the rejections of these claims.

***2.2. Takagi, Narad and Qureshi: Claims 3, 10, 16, 23, 36, and 49***

The PTO has also rejected claims 3, 10, 16, 23, 36, and 49 under 35 U.S.C. § 103(a) based upon Takagi in combination with Narad and Qureshi. Applicants respectfully disagree with the rejection.

However, in the interests of furthering prosecution, Applicants have cancelled the rejected claims, and amended the allowed dependent claims to include the subject matter of the cancelled claims. However, Applicants intend to pursue the cancelled claims in a continuation application; therefore, the amendment does not result in prosecution history estoppel and does not alter the scope of the claims.

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Therefore, it is respectfully asserted that the rejection is moot, and respectfully requested that the PTO withdraw the rejections of these claims.

### ***2.3. Takagi and Ohtsuki: Claims 29 and 42***

The PTO has also rejected claims 29 and 42 under 35 U.S.C. § 103(a) based upon Takagi in combination with Ohtsuki. Applicants respectfully disagree with the rejection.

However, in the interests of furthering prosecution, Applicants have cancelled the rejected claims, and amended the allowed dependent claims to include the subject matter of the cancelled claims. However, Applicants intend to pursue the cancelled claims in a continuation application; therefore, the amendment does not result in prosecution history estoppel and does not alter the scope of the claims.

Therefore, it is respectfully asserted that the rejection is moot, and respectfully requested that the PTO withdraw the rejections of these claims.

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**CONCLUSION**

In view of the foregoing, it is respectfully asserted that all claims pending in this application, as amended, are in condition for allowance. If the Examiner has any questions, they are invited to contact the undersigned at 503-264-7002. Reconsideration of this patent application and early allowance of all claims is respectfully requested.

Respectfully submitted,

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